

Appln No. 09/711,648
Amdt date December 18, 2006
Reply to Office action of August 17, 2006

REMARKS/ARGUMENTS

Claims 1-20, 23-28, 30-35, 39 and 42-47 remain pending in this application. Applicants have amended claims 1, 9 and 23. The amendments find full support in the original specification, claims and drawings. No new matter is presented. Applicants submit that all of pending claims 1-20, 23-28, 30-35, 39 and 42-47 are in condition for allowance and therefore respectfully request reconsideration and a timely indication of allowance.

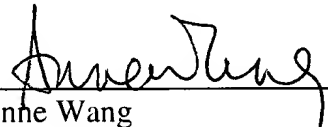
In the Office action dated August 17, 2006, the Examiner rejected claims 1-3, 5-15, 17-20, 23-25, 27, 28, 30-35, 39 and 42-47 under 35 U.S.C. § 102(b) as allegedly anticipated by Abele, et al. (U.S. Patent No. 4,966,597). However, Applicants have amended independent claims 1, 9 and 23 to recite a penetration monitoring electrode mounted on the injection needle. Abele fails to teach or suggest such a feature. Rather, as noted by the Examiner, Abele discloses that "[a]djustment of the length of axial extension of the probe is effective to determine the depth of penetration and thereby the depth of coagulation of tissue." Column 4, lines 65-68. Any hint at the possibility of *adjusting* the length and depth of penetration made in this disclosure never then falls short of teaching or suggesting the use of a penetration monitoring *electrode mounted on the injection needle*, as recited in amended independent claims 1, 9 and 23. Accordingly, independent claims 1, 9 and 23, and all claims dependent therefrom, including claims 2, 3, 5-8, 10-15, 17-20, 24, 25, 27, 28, 30-35, 39 and 42-47, are allowable over Abele.

The Examiner also rejected claims 4, 16 and 26 under 35 U.S.C. § 103(a) as allegedly obvious over Abele, either by itself or in combination with Coosman (U.S. Patent No. 4,966,597). However, as noted above, Abele fails to teach or suggest a penetration monitoring electrode mounted on the injection needle, as recited in amended independent claims 1, 9 and 23. Coosman fails to remedy this deficiency, as Coosman also fails to teach or suggest a penetration monitoring electrode mounted on the injection needle. Accordingly, independent claims 1, 9 and 23, and all claims dependent therefrom, including claims 2, 16 and 26, are allowable over Abele and Coosman.

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In view of the above amendments and remarks, Applicants submit that all of pending claims 1-20, 23-28, 30-35, 39 and 42-47 are in condition for allowance. Applicants therefore respectfully request a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, Applicants invite the Examiner to contact Applicants' counsel at the number indicated below.

Respectfully submitted,
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